

Duval & Stachenfeld LLP
Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
----- X
XETHANOL CORPORATION,

Plaintiff,

-against-

DEUTSCHE BANK SECURITIES INC.,

Defendant.
----- X

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DATE FILED: 1/3/08

STIPULATION AND ORDER

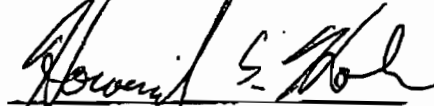
07 Civ. 11161 (AKH)

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the parties, that: (1) the time for defendant Deutsche Bank Securities Inc. to answer or otherwise respond to plaintiff Xethanol Corporation's Complaint is extended to and including January 25, 2008; and (2) defendant waives any defense under Rule 12(b)(5) of the Federal Rules of Civil Procedure, or other defense alleging insufficiency of service of process. No previous request for an extension has been made.

Dated: New York, New York
December 21, 2007

MEISTER SEELIG & FEIN LLP


By:


Howard S. Koh, Esq. (HK-4730)
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Attorneys for Plaintiff
Xethanol Corporation

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Attorneys for Defendant
Deutsche Bank Securities Inc.

SO ORDERED

1/2/08
~~this~~ day of December, 2007


UNITED STATES DISTRICT JUDGE